

Claims 1-37 are pending.

Election/Restrictions

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

Group 1: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is isoxazolyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 2: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is pyridinyl or isonicotinoyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 3: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is furoyl or furyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 4: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is thienyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 5: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is pyrrolyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 6: Claim(s) 1-19 and 26-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is pyrazolyl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 7: Claim(s) 1-13, 20-30 and 32-37 (in part), drawn to compounds of formula I wherein:

Q¹ is piperidinyl ring;
Q² is 9- or 10-membered bicyclic heteroaryl ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Group 8: Claim(s) 1-37 (in part), drawn to the remaining compounds of formula I wherein:

Q¹ is another ring;
Q² is another ring;

and pharmaceutical composition thereof, processes of making said compounds, and a method for producing an anti-proliferative effect using said compounds.

Inventions of Groups 1-8 are unrelated. Inventions are unrelated if it can be shown that they are not disclosed as capable of use together and they have different modes of operation, different functions, or different effects (MPEP § 806.04, MPEP § 808.01). In the instant case the different inventions are distinct from each other by the combination of rings represented by Q¹ and Q² in the side chain of R^{1a} or R^{1b}.

The inventions of Groups 1-8 have a common core of **4-(phenyl-amino)-quinazolinyl**, which is not a contribution to the art. It is the variable side chain of R^{1a} or R^{1b} having Q¹ and Q² that give compounds of each group their unique physical, chemical properties and biological activities. Depending on what ring Q¹ and Q² represent, the claimed formula would have different structure. Thus, a reference anticipated or rendered obvious compounds of one group would not do so to those of other groups. Therefore, a separate search is required for each group.

Note, a preliminary search in EAST yields a total of 5431 hits which clearly shows an overwhelming number of references for consideration. Note, the references of **Bradbury et. al.** (WO'151 & WO'290 cited on IDS) show that a quinazoline compound with a side chain having two rings is not a bioequivalent to those of the instant formula I.

Restriction for examination purposes as indicated is proper because all these inventions listed in this action are independent or distinct for the reasons given above and there would be a serious search and examination burden if restriction were not required because one or more of the following reasons apply:

- (a) the inventions have acquired a separate status in the art in view of their different classification;

- (b) the inventions have acquired a separate status in the art due to their recognized divergent subject matter;
- (c) the inventions require a different field of search (for example, searching different classes/subclasses or electronic resources, or employing different search queries);
- (d) the prior art applicable to one invention would not likely be applicable to another invention;
- (e) the inventions are likely to raise different non-prior art issues under 35 U.S.C. 101 and/or 35 U.S.C. 112, first paragraph.

Applicant is advised that the reply to this requirement to be complete must include (i) an election of a invention to be examined even though the requirement may be traversed (37 CFR 1.143) and (ii) identification of the claims encompassing the elected invention.

The election of an invention may be made with or without traverse. To reserve a right to petition, the election must be made with traverse. If the reply does not distinctly and specifically point out supposed errors in the restriction requirement, the election shall be treated as an election without traverse. Traversal must be presented at the time of election in order to be considered timely. Failure to timely traverse the requirement will result in the loss of right to petition under 37 CFR 1.144. If claims are added after the election, applicant must indicate which of these claims are readable on the elected invention. If claims are added after the election, applicant must indicate which of these claims are readable upon the elected invention.

Should applicant traverse on the ground that the inventions are not patentably distinct, applicant should submit evidence or identify such evidence now of record showing the inventions to be obvious variants or clearly admit on the record that this is the case. In either instance, if the examiner finds one of

the inventions unpatentable over the prior art, the evidence or admission may be used in a rejection under 35 U.S.C. 103(a) of the other invention.

On 7-6-09, a telephone call was made to Mr. Donald Bird informing him of an 8-way restriction. He requested a written restriction.

Applicant is reminded that upon the cancellation of claims to a non-elected invention, the inventorship must be amended in compliance with 37 CFR 1.48(b) if one or more of the currently named inventors is no longer an inventor of at least one claim remaining in the application. Any amendment of inventorship must be accompanied by a request under 37 CFR 1.48(b) and by the fee required under 37 CFR 1.17(i).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to TAMTHOM N. TRUONG whose telephone number is (571)272-0676. The examiner can normally be reached on M, T and Th (9:00-5:30).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, James O. Wilson can be reached on 571-272-0661. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Tamthom N. Truong/
Examiner, Art Unit 1624

**/James O. Wilson/
Supervisory Patent Examiner, Art Unit 1624**

7-6-09